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Attorneys for Defendant
MASTERCARD INTERNATIONAL
INCORPORATED

FILED
OCT 12 2005
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIF., OAKLAND

RECEIVED

OCT 11 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PRIVASYS, INC.,

Plaintiff,

Y₂

MASTERCARD INTERNATIONAL
INCORPORATED

Defendant.

| Case No.: C 05 3663 CW

**STIPULATION AND [PROPOSED]
ORDER SETTING THE BRIEFING
SCHEDULE FOR DEFENDANT'S
MOTION TO DISMISS OR IN THE
ALTERNATIVE TO TRANSFER VENUE**

THE PARTIES HERETO, BY AND THROUGH THEIR UNDERSIGNED
COUNSEL, HEREBY STIPULATE AND AGREE AS FOLLOWS:

1 WHEREAS Plaintiff filed its Complaint in this action on September 12, 2005;

2 WHEREAS the parties previously stipulated that Defendant would have until
3 October 24, 2005 to file its response;

4 WHEREAS Defendant anticipates responding to Plaintiff's Complaint by filing a
5 motion to dismiss the Complaint or in the alternative to transfer venue;

6 WHEREAS the parties desire to establish a mutually convenient briefing schedule
7 that will allow them to adequately brief the issues for the Court and to provide the Court with
8 adequate time to consider the papers submitted by the parties;

9 WHEREAS in light of Plaintiff's counsel's schedule, the earliest date that
10 Defendant's motion to dismiss the Complaint or in the alternative to transfer venue could
11 practicably be heard is Friday, December 2, 2005;

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1 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that
2 Defendant has until October 14, 2005 to serve its motion to dismiss; Plaintiff has until November
3 4, 2005 to serve its opposition to said motion; Defendant has until November 18, 2005 to serve
4 any reply; and the hearing on this motion before the Court shall take place on Friday,
5 December 2, 2005.

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8 DATED: 10/10/05

9 MUNGER, TOLLES & OLSON, LLP

10 By: Jerome C. Roth
11 JEROME C. ROTH
12 Counsel for Defendant MasterCard International
13 Incorporated

14 DATED: 10/10/05

15 HOSIE McARTHUR LLP

16 By: Spencer Hosie
17 SPENCER HOSIE
18 Counsel for Plaintiff Privasys, Inc.

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21
22 DATED: OCT 12 2005

23 By: Claudia Wilken
24 HONORABLE CLAUDIA WILKEN
25 UNITED STATES DISTRICT COURT JUDGE